

## MERCED COUNTY UNIVERSITY COMMUNITY PLAN

### Merced County Board of Supervisors

#### Response to Written and Oral Testimony Received at December 7 and 14, 2004 Meetings

At its public hearing on the University Community Plan of December 7, 2004, the Merced County Board of Supervisors received oral testimony from the following individuals:

Bryant Owens, the Planada Association  
Mark Sievert, Chair of Merced Union High School District Facilities Committee  
Bob Carpenter  
Jana Narin, Merced Chapter-California Women for Agriculture  
Dr. Lee Boese  
Nat Woodhouse  
Lindsay DesRochers, UC Merced  
Hub Walsh, City of Merced  
Kenji Hakuta, Dean of Social Sciences, Humanities and Arts, UC Merced  
Marshall Krupp, Community Systems Associates  
Ed Hardy, Chair, Board of Directors of the University Community Land Company  
Don Bergman, Greater Merced County Chamber of Commerce  
Bill Spriggs, City of Merced  
Dan Doody, Virginia Smith Trust  
Don Larson, Lennar Communities  
Sharon Hunt Dicker, Hunt Farms  
Les McCabe, Merced County Farm Bureau  
Lydia Miller, San Joaquin Raptor Rescue Center  
Lee Andersen, Merced County Superintendent of Schools, Merced County Office of Education  
Ralph Temple

Mr. Owens, Mr. McCabe, Ms. DesRochers, Mr. Walsh, Dr. Lee Boese, Jr., and Ms. Miller also submitted written comments in support of their testimony. In addition, Ms. Carol Witham, Vernalpools.org, submitted written comments to the Board.

At the December 7, 2004 meeting of the Board of Supervisors, the following individuals expressed support for approval of the UCP:

- Bob Carpenter
- Lindsay DesRochers
- Dr. Lee Boese, Jr.
- Kenji Hakuta
- Marshall Krupp
- Ed Hardy

- Don Bergman
- Bill Spriggs
- Dan Doody
- Don Larson
- Sharon Hunt Dicker
- Ralph Temple

At its public hearing on the University Community Plan of December 14, 2004, the Merced County Board of Supervisors received oral testimony from the following individuals:

- Bob Weimer, Merced Union High School District
- Dr. Robert Fore, Merced Union High School District
- Lindsay DesRochers, UC Merced
- Lee Andersen, Merced County Office of Education
- Sharon Hunt Dicker, Hunt Farms
- Don Larson, Lennar Communities
- Russ Felch, California Farm Bureau Federation
- Diana Westmoreland-Pedrozo
- Lydia Miller, San Joaquin Raptor Rescue Center
- Bryant Owens
- Phillip Favier, Merced County Farm Bureau
- Louis Bandoni, Merced County Farm Bureau
- Les McCabe, Merced County Farm Bureau

The Mr. Felch, Mr. Favier, and Ms. Miller also submitted written comments in support of their testimony.

In addition, separate from the public hearing, the Board of Supervisors received written correspondence from Mr. Steven Becker, Superintendent of the Weaver Union School District, and Ms. Vicki Bandoni.

At the December 14, 2004 meeting of the Board of Supervisors, the following individuals expressed support for approval of the UCP:

- Bob Weimer
- Dr. Robert Fore
- Lindsay DesRochers
- Lee Andersen
- Sharon Hunt Dicker
- Don Larson

The following summarizes and responds to environmental and other issues raised in comments submitted at the December 7 and 14, 2004, Board of Supervisors meeting.

### Testimony from Ms. Jana Narin (12/7/04)

Ms. Narin provided testimony representing California Women for Agriculture. Key issues raised in her testimony include:

- Expressed a disagreement with any development east of Lake Road and/or the Campus Parkway alignment. In addition, she stated a preference for the No Loss of Prime Farmland alternative, addressed in the EIR.
- Expressed concern that the analysis of impacts to groundwater supplies in the EIR is inadequate, and suggested that impacts to groundwater are unavoidable.
  - The EIR contains a thorough analysis of potential effects on local and regional groundwater supplies. This analysis was based on site specific pump testing to verify the characteristics of the aquifers in the immediate vicinity of the project site. The conclusions, as described in the Supplement to the Draft EIR, are that impacts to the local and regional aquifers would be less than significant, with relatively marginal decreases in groundwater levels over a very long-term. These issues are fully considered in the Final EIR in Master Responses 10 and 11, as well as Response to Comment 9-15.
- Expressed a support for agricultural land conversion mitigation with requirements for off-site preservation of comparable farmland at a ratio of 4:1 for farmland converted to urban uses.
  - The issue of mitigation for agricultural land conversion has been thoroughly addressed in the Final EIR. In particular, Master Response 7 the infeasibility of mitigation at ratios of higher than 1:1.

### Testimony of Hub Walsh (12/7/04)

Mr. Walsh provided testimony representing the City of Merced. Key issues raised in testimony and written comments include:

- The University Community would be best served by being part of the City of Merced.
  - The University Community Plan currently anticipates the development of the University Community as an unincorporated community in the County of Merced, adjacent to the City of Merced. However, nothing in the UCP eliminates the possibility of annexation of the University Community to the City of Merced at some point in the future, assuming that the County, the City, Merced County LAFCO and the landowners agree to such an annexation.
- Traffic impacts have not been adequately addressed.
  - The traffic analysis contained in the EIR evaluates a wide range of traffic and transportation effects of the proposed UCP, as well as cumulative development, including UC Merced and other growth anticipated to occur in north Merced and the Merced region. The DEIR relied upon the most up-to-date traffic model available at the time; the Supplement to the

DEIR included an analysis of the adequacy of the traffic analysis in light of changes in cumulative conditions and in light of the release of a new traffic model since publication of the DEIR. The conclusions of the analysis in the SDEIR are that the traffic impacts disclosed in the DEIR remain valid under current conditions.

- The County should commit to the Campus Parkway project.
  - The County is currently studying the proposed Campus Parkway project, and is preparing a joint EIR/EIS on the Campus Parkway in collaboration with Caltrans and the Federal Highway Administration. The Draft EIR/EIS is expected to be released in 2005. Given the requirements for the completion of CEQA and NEPA before formal commitments and approvals are granted, it would be improper for the County to “commit” to the Campus Parkway project at this time. Nonetheless, the UCP EIR recognizes the Campus Parkway as a reasonably foreseeable project, and the County is continuing its efforts to bring the Campus Parkway to reality.
- Making the UCP part of Merced and connecting it to the City’s wastewater treatment system would avoid degradation of the groundwater supply.
  - The UCP EIR fully evaluated the potential effects of the proposed UCP on local and regional groundwater quantities and quality. The on-site wastewater treatment and recycling systems are required by UCP policies to meet the requirements of the Central Valley Regional Water Quality Control Board for protection of groundwater quality. Further, the presence of wastewater treatment systems within the University Community would allow for reuse of treated wastewater throughout the University Community, as well as on the UC Merced campus; this reuse of treated wastewater on appropriate lands would minimize the amount of potable water drawn from the local and regional aquifers, and would represent a substantial decrease in potable water demand compared to the demand generated when all irrigation and other uses are met with groundwater. Thus, the proposed wastewater systems, as described in the UCP, would be the most protective possible approach to managing groundwater resources in the vicinity of the University Community.
- Connecting the University Community to the City of Merced wastewater system would avoid the costs of constructing on-site treatment systems in the University Community.
  - While the connection of the University Community to the City of Merced may avoid costs of on-site wastewater systems, such a connection would require the construction of extensive conveyance facilities to transport wastewater from the University Community to the City of Merced wastewater treatment plant, approximately 15 miles southwest of the UCP area. Studies conducted by the County as part of the development of the UCP suggest that on-site treatment systems would be comparable in cost and could reduce the cost of backbone infrastructure in early phases, making the development more affordable and feasible.

### Testimony of Les McCabe (12/7/04)

Mr. McCabe provided testimony representing the Merced County Farm Bureau. Key issues raised in his testimony and written comments include:

- The Farm Bureau supports the No Loss of Prime Farmland Alternative presented in the EIR.
  - The comment is noted.
- The UCP does not reflect General Plan policies, including SUDP Expansion criteria.
  - Staff has prepared an analysis of the UCP's relationship to the General Plan and the Planning Commission has approved a set of findings of consistency with the General Plan. These findings document consistency between the Revised UCP and the Merced County General Plan.
  - The General Plan Findings of Consistency answer each of the 10 SUDP Expansion criteria questions.
- There is doubt about the implementation of the Merced Water Supply Plan.
  - The County considers the Merced Water Supply Plan to be reasonably foreseeable. This issue was fully addressed in the Final EIR (please see Response to Comment 9-15).
- What happens if the UC Merced campus is moved?
  - The UCP has been developed under the reasonable assumption that the UC Merced campus will be developed as presented in the UC Merced Long Range Development Plan (LRDP) approved by the Regents in February 2002. UCP policies recognize that over time changes may occur to the UC Merced LRDP which would require reconsideration of aspects of the UCP. The UCP also includes a policy that prohibits the issuance of grading or building permits prior to issuance of the federal permits required for construction of the Campus. In the event that the campus location was changed or materially reconfigured, the County would work with local landowners and other jurisdictions to make appropriate revisions to the UCP.

### Testimony of Bryant Owens 12/7/04)

Mr. Owens indicated his opposition to the project and submitted written comments. Key issues raised in his written comments include:

- The interests of UC Merced are not the interests of the County.
  - Goal 11 of the Merced County General Plan Land Use Chapter states: "Accommodate the tenth campus of the University of California and orderly development of adjacent land uses through a comprehensive planning process." The steps undertaken in the development of the UCP and other support of UC Merced are consistent with this goal of the County General Plan.

- The Housing Element does not mandate the approval of the UCP.
  - This is correct. Nonetheless, the provision of land to allow for the development of approximately 11,000 housing units, including a wide array of housing types, densities, costs ranges and the like would support the broader efforts of the Housing Chapter of the General Plan to meet the housing needs of the County.
- Certification of the EIR disenfranchises Merced County population.
  - This is not correct. The certification of an EIR represents the end of the EIR process that has included extensive public involvement, outreach and comment. During the UCP EIR process alone, there have been 128 days of formal public review and comment (on the NOP, DEIR and SDEIR), including four formal hearings to receive public testimony. The FEIR was published on November 19, 2004, which means that it will have been available for public review for over a month prior to the anticipated certification date of December 21, 2004.
- The County has a financial interest in approving the UCP, which is improper.
  - The County has no specific financial interest in the UCP, other than the broad charge to foster and encourage economic development to the benefit of the County and its residents, as established in the General Plan.
- The UCP EIR, as a Program EIR covering 30 or more years of growth, circumvents future public participation.
  - This is not correct. The UCP EIR, a program EIR, has met the CEQA requirement of preparing environmental review at the earliest possible time in a project planning process. The analysis in the UCP program EIR necessarily considers a long period of time, as the County currently anticipates that buildout of the UCP area will occur over a period of at least 30 years. Additional CEQA compliance will be required at subsequent stages in the planning and development process, including as part of the preparation of sub-area specific plans, which must occur prior to issuance of development entitlements. In addition, County review and approval of subsequent entitlements (zoning, subdivision maps, etc.) will provide the opportunity for public review and comment, including the processes required under subsequent CEQA compliance.
- The use of Master Responses in the Final EIR is inadequate.
  - Master Responses were included in the Final EIR to facilitate the reader's ability to consider the major issues that were raised numerous times in comments. The Final EIR also includes specific responses to each comment raised in written or oral testimony during the public reviews of the DEIR and the SDEIR.
- Reliance on future mitigation plans is inadequate.
  - The UCP EIR recognizes that some specific mitigation strategies may not be fully developed at this early stage of development planning. Where future mitigation plans are called for, the UCP EIR identifies specific performance standards which must be achieved in the development of specific mitigation measures.
- Elimination of mitigation for economic reasons is improper.

- CEQA recognizes that feasible mitigation measures must be able to be achieved in a timely manner considering environmental, technical, legal, social and economic factors. As such, it is proper for the Board of Supervisors to consider such factors in making a determination of feasibility.

Testimony of Lydia Miller 12/7/04)

Ms. Miller provided testimony representing the San Joaquin Raptor Rescue Center. She also indicated that she represented Steve Burke of Protect Our Water. Key issues raised in her testimony and written comments include:

- The FEIR was hastily completed and is piecemealed.
  - To the contrary, the UCP Final EIR was prepared over a period of three years during which extensive additional research was conducted into groundwater effects of the University Community. The additional information was circulated in the Supplement to the Draft EIR. All of the comments on the Draft EIR and the Supplement to the Draft EIR were included in the Final EIR that was published on November 19, 2004, more than one month prior to the anticipated date upon which the Board of Supervisors will consider certification of the UCP EIR.
- The Errata should have been circulated with the FEIR.
  - The Errata includes a series of minor changes to the UCP policies that represent changes directed by staff, the Planning Commission and/or the Board of Supervisors. In some cases the Errata restate policies as they were originally presented in the DEIR; in other cases minor changes to policies are presented. In no case do changes presented in the Errata have environmental consequences not disclosed in the EIR.
- An east/west configuration for the UCP would provide water to residents in the RRC.
  - The UCP provides for infrastructure and service provision to only the area within the UCP boundaries. A reconfiguration of the UCP, as presented in the No Loss of Prime Farmland Alternative described in the DEIR, would not change this and would not result in the provision of urban services to the RRC area, except where a portion of the RRC would be included within the reconfigured UCP.
- Impacts associated with the proposed wastewater systems in the University Community have not been adequately addressed.
  - The UCP EIR fully considers the water quality effects of the proposed wastewater policies included in the UCP. The evaluation in the EIR, and the responses to comments in the Final EIR (see responses to letters from the Central Valley Regional Water Quality Control Board) address potential concerns regarding policies that call for the use of tertiary-level treated recycled wastewater for irrigation purposes within the UCP area.
- The MMP includes deferred mitigation, which is improper.

- The UCP does not defer mitigation past the time that impacts would occur. Rather, the UCP, as a first-level environmental document, recognizes that some specifics of mitigation cannot be determined at this point in time. A number of the mitigation measures contained in the UCP EIR require that specific mitigation measures be developed during the preparation of sub-area specific plans, which are a prerequisite to any physical development activities in the University Community. Further, the UCP EIR provides for specific performance standards that must be achieved to result in mitigation of significant impacts; the specifics of how to achieve the performance standards will be developed at the time that more specific land planning is undertaken during the specific planning process.
- The MMP includes mitigation that requires future studies, which is improper.
  - Future studies are not identified in the UCP EIR as mitigation per se. Rather, in some cases the EIR recognizes that some additional study should be conducted as part of developing more specific mitigation steps during the specific planning process.
- The MMP was not circulated as required.
  - There are no formal requirements for circulation of the Mitigation Monitoring Program. The UCP Mitigation Monitoring Program was made available to the public on December 1, 2004, one week prior to the opening of the public hearing before the Board of Supervisors, and twenty days prior to the anticipated date for the Board's consideration of certification of the EIR and approval of the UCP.
- Project description was overly narrow, resulting in the inappropriate dismissal of alternatives.
  - The Project Description includes a set of objectives of the County in pursuing the UCP project. Those objectives are broad statements that address the function and goals of the future University Community. Where appropriate, the County has identified the ways in which potential project alternatives meet or fail to meet the major objectives of the UCP.
- The Statement of Overriding Considerations is invalid.
  - The Statement of Overriding Considerations represents the County's reasons for approving the proposed UCP in light of significant unavoidable environmental impacts. The County believes that the Statement of Overriding Considerations is supported by substantial evidence, and meets the requirements of the law. No specific inadequacies in the Statement of Overriding Considerations were noted in the oral or written comments.
- Lack of certification of the updated Housing Element makes approval of the University Community Plan improper.
  - The County has prepared and approved an updated Housing Chapter to the General Plan which was submitted to the State Department of Housing and Community Development (HCD) for certification within the schedule prescribed by HCD. Because of a heavy workload, HCD has

informed the County that there will be a delay in the certification of the updated chapter but that certification is to be expected.

The University Community Plan was analyzed with respect to the goals and policies of the current 1992 certified Housing Chapter and the 2003 revised Housing Chapter submitted for certification. This analysis which is contained in the Staff Report to the Planning Commission dated December 1, 2004, concluded that the UCP was consistent with and advances the goals of both the 1992 and 2003 Housing Chapters. The Findings reflecting this consistency were approved by the Planning Commission on December 1, 2004, and will be presented to the Board of Supervisors for its consideration.

Given the consistency of the UCP to both the current and updated Housing Chapters, and that the County has complied with State Law in preparing and submitting an updated Housing Chapter to the State HCD for certification, the lack of a formally certified Housing Chapter does not preclude approval of the UCP by the County.

- The General Plan must be comprehensively updated prior to certification of the EIR.
  - The County General Plan is legally adequate and conforms to the requirements of State Law. CEQA requires that an Environmental Impact Report disclose any inconsistencies of a project to the applicable General Plan. The Environmental Impact Report prepared for the UCP provides an extensive discussion of General Plan consistency. There are no requirements of State Law that mandate that the Merced County General Plan be updated prior to the certification of the UCP EIR.
- The Staff Report contains inadequate response to comments from testimony at the Planning Commission meetings of November 10 and December 1, 2004.
  - The County is not required to provide written responses to comments made at the public hearings before the Planning Commission and the Board of Supervisors. In this case, the County has chosen to provide written comments in order to assist the decision-makers in considering all of the issues raised during public review of the proposed UCP.
- There is inadequate information about the County's Section 404 Permit application process.
  - Master Response 2 in the Final EIR provides a thorough discussion of the relationship between the UCP EIR and the federal permitting process being undertaken to acquire Section 404 permits from the US Army Corps of Engineers by UC Merced and Merced County.
- There is no analysis relating to a potential move of the UC Merced campus.
  - The UCP has been developed under the reasonable assumption that the UC Merced campus will be developed as presented in the UC Merced Long Range Development Plan (LRDP) approved by the Regents in February 2002. UCP policies recognize that over time changes may

occur to the UC Merced LRDP which would require reconsideration of aspects of the UCP. The UCP also includes a policy that prohibits the issuance of grading or building permits prior to issuance of the federal permits required for construction of the Campus. In the event that the campus location was changed or materially reconfigured, the County would work with local landowners and other jurisdictions to make appropriate revisions to the UCP.

- The EIR alternatives analysis is outdated in that it does not account for changed conditions in north Merced since the publication of the DEIR.
  - The changed conditions in the north Merced area, and all other changes in conditions, regulations, or project revisions were considered in the preparation of the Supplement to the DEIR. In fact, since publication of the DEIR there have been no material changes in the development pattern in north Merced compared to the assumptions made in the DEIR. Since the evaluation of the project alternatives was made in light of expected buildout of the City of Merced SUDP, the ongoing development in north Merced was accounted for in the DEIR analysis.
- Consideration of the Campus Parkway project in a separate environmental review process is piecemealing.
  - The Campus Parkway is a project that is located outside of the boundaries of the UCP area, and which is subject to an entirely separate evaluation and approval process, including the actions of Caltrans and FHWA acting as the federal lead agency for NEPA compliance. The County and FHWA have been jointly preparing an EIR/EIS for some time; the Draft EIR/EIS is expected to be released for public review during 2005. Notwithstanding the fact that the Campus Parkway is a distinct project, its effects have been considered in the cumulative analysis contained in the UCP EIR. Thus, the impacts of the UCP would not be any different if the Campus Parkway was included in a single EIR with the UCP.
- The Merced Water Supply Plan should not be relied upon.
  - The County considers the Merced Water Supply Plan to be reasonably foreseeable. This issue was fully addressed in the Final EIR (please see Response to Comment 9-15).
- Agricultural land mitigation should be included.
  - At its meeting of December 7, 2004, the Board of Supervisors directed staff to include a revised version of UCP Policy A 2.1. This revised policy requires participation in a joint County/City agricultural mitigation plan developed to address conversion of Important Farmlands in the north Merced area. The revised policy also requires project-specific mitigation for agricultural land conversion in the event that the County/City mitigation plan is not adopted prior to any sub-area specific plan.
- City of Merced residents should not be required to pay for UCP infrastructure.
  - The UCP mitigation measures and other policies require that the cost of environmental mitigation as well as public infrastructure and services is

borne on a fair-share basis by the development in the University Community.

- Phasing should not be based on future market conditions; this policy was not analyzed in the EIR.
  - The proposed change in the UCP phasing policies was considered in the Supplement to the Draft EIR.
- All human and natural resource impacts should be analyzed.
  - The UCP EIR analyzes all human and natural physical environmental effects subject to consideration under CEQA.
- UC-student housing should not be used to meet affordable housing goals.
  - The County recognizes that the housing developed in the University Community will allow for the development of approximately 11,000 housing units, including a wide array of housing types, densities, costs ranges and the like would support the broader efforts of the Housing Chapter of the General Plan to meet the housing needs of the County.
- The UCP is in the Merced County Agricultural Preserve and adjacent to Williamson Act land; this was not considered in the EIR.
  - The EIR identifies that land adjacent to the UCP area to the east is under Williamson Act contracts. The UCP site is not in an "Agricultural Preserve." Rather, as is described in the EIR, the land is currently designated Agriculture in the County General Plan, and is zoned for agricultural uses in the County Zoning Ordinance.
- The County believes that UCP project description is broad enough to allow the campus to move into the UCP area.
  - This is not correct. As is explained above, the UCP has been developed under the reasonable assumption that the UC Merced campus will be developed as presented in the UC Merced Long Range Development Plan (LRDP) approved by the Regents in February 2002. UCP policies recognize that over time changes may occur to the UC Merced LRDP that would require reconsideration of aspects of the UCP. The UCP also includes a policy that prohibits the issuance of grading or building permits prior to issuance of the federal permits required for construction of the Campus. In the event that the campus location was changed or materially reconfigured, the County would work with local landowners and other jurisdictions to make appropriate revisions to the UCP.
- Documents were not accessible at the Merced County UC Development Office on December 7, 2004.
  - The County makes every effort to ensure that documents are available to the public during normal business hours. However, there are times when staff are unavailable. The County will continue to make every reasonable effort to ensure that public documents are available for public review at County offices.

Ms. Miller and Mr. Burke also attached correspondence that they had previously submitted on other projects in the region. Included in correspondence were letters submitted to (1) the City of Merced related to the City's Sewer and Water Utility

Extension to northeast Merced and the UC Merced Campus project, (2) Merced County related to the Yosemite Lake Estates project, (3) the City of Merced related to the Merced Storm Drain Master Plan project, and (4) the City of Merced related to the Hunt Annexation project. In addition, Ms. Miller and Mr. Burke attached two annual reports of Green Watchdog (from 2002 and 2003). The 2002 Report includes a discussion of the UC Merced campus. These materials address projects in the region which have been considered in the cumulative analyses contained in the EIR and which were reflected in the DEIR and/or SDEIR, and do not specifically address the UCP EIR. No further response is necessary.

Letter from Carol Witham (12/7/04)

Carol Witham provided testimony representing Vernalpools.org. Key issues raised in her written comments include:

- The Supplement to the Draft EIR substantially changed the project.
  - The Supplement to the Draft EIR analyzes changes to the project, changes in local and regional conditions, and regulatory changes since the publication of the DEIR.
- The Final EIR fails to adequately address the comments received on the DEIR and SDEIR.
  - The Final EIR provides thirteen Master Responses as well as written responses to each individual written or oral comment made related to the adequacy of the Draft EIR and the SDEIR.
- The FEIR fails to include a Mitigation Monitoring Plan.
  - The Mitigation Monitoring Plan is not required to be included in the Final EIR. Rather, it is an approval document, appropriate for inclusion in the staff report, along with the Findings of Fact and the Statement of Overriding Consideration, for Board of Supervisors consideration in determining whether to approve the proposed project.
- The NCCP/HCP was the primary mitigation for biological effects in the DEIR.
  - This is not correct. The primary mitigation for significant impacts on biological resources consists of the development of a project-specific habitat mitigation plan as part of each sub-area specific plan under the UCP. In addition, one policy (UCP Policy PA 1.7 in the August 2001 Draft UCP) contained a policy that identified participation in an approved NCCP/HCP as an optional method of mitigation for wetlands and species impacts. The removal of this policy, reflecting the County's decision to not move forward with an NCCP/HCP at this time, only removed an option, and left the primary mitigation approach intact.
- The EIR represents piecemealing
  - The EIR considers the fully development of the proposed UCP on a project-specific basis, and evaluates the combined effects of the UCP, UC Merced Campus, and Campus Parkway, along with other cumulative development, as appropriate. In light of the breadth of this analysis, the County does not believe that the UCP EIR represents piecemealing.

- No additional environmental analysis will be required in the future.
  - This is not correct. The UCP EIR, a program EIR, has met the CEQA requirement of preparing environmental review at the earliest possible time in a project planning process. Additional CEQA compliance will be required at subsequent stages in the planning and development process, including as part of the preparation of sub-area specific plans, which must occur prior to issuance of development entitlements.
- The Merced County General Plan should be updated prior to adopting the UCP.
  - The Merced County General Plan is adequate and conforms to all applicable provisions of State Law. A discussion of the relationship of the University Community Plan to the General Plan is provided in the Draft Environmental Impact Report. An analysis of the UCP's consistency with the General Plan is provided in the Staff Reports to the County Planning Commission dated November 10, and December 1, 2004. The Planning Commission adopted Findings of the UCP's consistency with the General Plan in support of its recommendation to the Board of Supervisors to approve the UCP General Plan Amendment. The Board of Supervisors will be required to adopt Findings demonstrating the UCP's consistency with the General Plan prior to approving the UCP General Plan Amendment.

There are no legal or other requirements to update the County General Plan prior to approving the UCP.

Testimony of Russ Felch (12/14/04)

Mr. Felch provided testimony representing the California Farm Bureau Federation. Key issues raised in his testimony and written comments include:

- The CFFB supports the position of the Merced County Farm Bureau
  - The comment is noted.
- The CFFB supports the No Loss of Prime Farmland Alternative
  - The comment is noted.
- The EIR should extend the significance of impacts to the loss of Farmland of Local Importance
  - The EIR standard of significance reflects the definition of Important Farmlands contained in Appendix G of the State CEQA Guidelines. This definition includes those lands designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). The County believes that this definition is appropriate and protective of those lands that have the highest agricultural productivity. Many of the lands that are mapped by the FMMP as Farmlands of Local Importance consist of soils that are below 50 on the Storie Index. The protection of those lands if of less importance because such soils are more available in locations throughout the County.

- The CFFB requests changes to the proposed UCP Policy A 2.1 by requiring payment of a fee equal to the cost of an agricultural easement on land in the UCP area, and requiring mitigation at a 2:1 ratio.
  - UCP Policy A 2.1, as directed by the Board of Supervisors at their meeting of December 7, 2004, provides flexibility in the implementation of mitigation for agricultural land conversion as long as the outcome is the equivalent of protection of comparable farmland at a 1:1 ratio. This flexibility, rather than establishing a specific fee at this time, is important given the long-term nature of the UCP buildout.
  - Mitigation at a ratio of greater than 1:1 has not been previously implemented in Merced County and there is no basis for such a ratio. In addition, the County does not believe that mitigation at ratios greater than 1:1 is feasible. Please also see Master Response 7 in the Final EIR.
- The LESA Model should be used.
  - As is explained in the Final EIR, the Land Evaluation and Suitability Assessment Model, created by the California Department of Conservation, is used to determine the agricultural significance of a specific parcel. In this case, the UCP EIR identifies that the conversion of the proposed project site would be a significant impact. No further information would be provided by application of the LESA model.
- The CAPS proposal should be adopted.
  - The comment is noted.
- The CFFB agrees with the position that potential effects on groundwater are not adequately addressed.
  - The EIR, including the DEIR and SEIR, provides a thorough analysis of the potential effects of the UCP on local groundwater and surface water quantity and quality. The analysis is based on both regional and site-specific analyses. Since no specific inadequacies are noted in the comment, no further response is possible.

Testimony of Diana Westmoreland-Pedrozo 12/14/04)

Ms. Westmoreland-Pedrozo provided testimony representing the Merced County Farm Bureau. Key issues raised in his testimony and written comments include:

- It is not appropriate to rely on the Merced Water Supply Plan (MWSP) because the MWSP model is too reliant on assumptions and has not been tested.
  - The MWSP model was developed for the City of Merced and Merced Irrigation District to provide a basis of planning and managing water resources throughout the Merced groundwater basin. It is currently the best tool available to the County to predict long-term changes in groundwater. It is typical to use reasonable assumptions in the development of groundwater models and other predictive analytical tools. In addition, the SDEIR reported on site-specific groundwater pump tests that were conducted at the direction of the County so as to accurately calibrate the model to the specific location of the UCP project

vicinity. As such, the MWSP regional model has been supplemented with site specific physical data so as to provide the County with a reasonable body of information on potential groundwater effects.

- The MWSP model is only accurate on a regional basis.
  - As is noted above, site specific pump testing was conducted and used to calibrate the MWSP model to the particular geohydrological characteristics of the UCP area. As such, the model used for the analysis presented in the SDEIR is appropriate and accurate.
- The MWSP is reliant on recharge basins in the area and subsequent study suggests that they are not feasible.
  - Issues related to the implementation of the MWSP have already been addressed in the EIR. Please see the discussion of the MWSP in Chapter 2 of the SDEIR and Response to Comment 9-15 in the FEIR.
- The MWSP is not based on physical evidence, only on assumptions.
  - Please see the discussion above regarding pump testing that was conducted for the UCP EIR and used in the analysis of groundwater effects of the UCP.
- It is inappropriate to assume that the MWSP will be implemented.
  - Issues related to the implementation of the MWSP have already been addressed in the EIR. Please see the discussion of the MWSP in Chapter 2 of the SDEIR and Response to Comment 9-15 in the FEIR.
- The MID Board has discussed not moving forward with the MWSP.
  - The Fall 2004 MID Newsletter, "The Main Canal" (Fall 2004, Volume 14, No. 3), recognized the District's long-term interest in the MWSP, and that the MWSP "was one of the key factors in the selection of Merced as the site of the new UC campus." The newsletter reported that "[R]ecently staff conducted an important workshop with the District Board of Directors to review the status of the MWSP. The development and implementation of the MWSP has regional significance, as it will positively affect all water users including agricultural, municipal, industrial and residential consumers, as well as the environment." The report goes on to document the steps being taken by MID to implement the plan, and outlines next steps to be taken. The report indicates that implementation of the MWSP may involve groundwater recharge, as well as additional options "including conjunctive use of groundwater recharge and surface water treatment, as is being done in several regional areas north and south of Merced." The report concludes with an affirmation of MID's commitment to implementation of the MWSP by stating that "...the District has made the MWSP a priority in its long-term goals." Thus, the County continues to recognize the MWSP as a reasonable basis for assumptions regarding groundwater management in the region.
- The water table is falling more rapidly than predicted in the MWSP.
  - Aquifer levels in the Merced region were at their highest in recent recorded history during 2000. It is likely that the aquifer levels have fallen as a result of four years of below average rainfall, rather than increased groundwater pumping. The changes in ambient groundwater

levels do not affect the analysis of groundwater effects contained in the EIR; this analysis establishes the incremental effects of the proposed UCP.

- A decrease in the water table of 20 feet is significant.
  - The comment is noted. As is explained in the SDEIR, the County has determined that the predicted decrease of 25-35 feet in groundwater wells in the immediate vicinity of the UCP would not be considered significant. The basis for this conclusion is provided in Chapter 2 of the SDEIR.
- The County should not defer determination of adequacy of the water supply for the UCP.
  - Based on the best information available to the County, the planned groundwater supply is adequate and available to serve the proposed UCP. As the UCP and the UCP EIR are first-tier planning and environmental documents, it is reasonable that the planning and analysis thereof is more general than the analysis that will take place at later dates in response to more specific plans and proposals. As part of the CEQA review of the sub-area specific plans, the County is required to comply with the requirements of SB 610 through the preparation of a Water Supply Assessment. In addition, prior to approval of any residential tentative map of 500 units or more, the County must receive a Written Verification from the water supplier, consistent with the requirements of SB 221.

#### Testimony of Lydia Miller 12/14/04)

Ms. Miller provided testimony representing the San Joaquin Raptor Rescue Center. She also indicated that she represented Steve Burke of Protect Our Water. Key issues raised in her testimony and written comments include:

- It is unclear if the environmental documents are project specific or programmatic.
  - The UCP EIR is a program EIR, consistent with the requirements of Section 15168 of the State CEQA Guidelines.
- Why is the CEQA process not coordinated with the federal permitting process?
  - This issue is thoroughly addressed in Master Response 2 in the Final EIR.
- The UCP EIR and UC Merced LRDP EIRs totally rely on each other.
  - The UCP EIR and UC Merced LRDP EIR do not rely on each other, per se. Each is an independent review of the environmental effects of the respective project considered in each document. Rather, the two EIRs have been developed with consistent methodologies for analysis, and consider both projects in the cumulative analyses contained therein. Both EIRs draw independent conclusions about significance and mitigation, and reflect the independent judgments of Merced County and the Regents of the University of California.
- The EIR will be used to justify moving the campus south.

- This is not correct. As is explained above, the UCP has been developed under the reasonable assumption that the UC Merced campus will be developed as presented in the UC Merced Long Range Development Plan (LRDP) approved by the Regents in February 2002. UCP policies recognize that over time changes may occur to the UC Merced LRDP that would require reconsideration of aspects of the UCP. The UCP also includes a policy that prohibits the issuance of grading or building permits prior to issuance of the federal permits required for construction of the Campus. In the event that the campus location is changed or materially reconfigured, the County would work with local landowners and other jurisdictions to make appropriate revisions to the UCP.
- The Mitigation Monitoring Program is inadequate.
  - No specific inadequacies have been identified. The County believes that the Mitigation Monitoring Plan meets the requirements of Section 21081.6 of the Public Resources Code and Section 15097 of the State CEQA Guidelines.
- The presence of two planning departments in Merced County is confusing.
  - Merced County has one Planning Department. However, the County has established the Merced County UC Development Office to oversee planning and other efforts that support the establishment of UC Merced.
- The state required 65,000 acres of mitigation; this has not been accomplished.
  - The County is not aware of any specific requirement for 65,000 acres of mitigation land. Rather, the UCP EIR identifies the needs for development of habitat mitigation plans as part of the development of sub-area specific plans. These plans will establish the amount, location, and other parameters of land protections necessary to mitigate the effects of development within the University Community.
- There is an effort by local legislators to cut state and federal environmental protections to accomplish the project.
  - The County is aware of no effort to reduce or circumscribe state or federal environmental protections in the planning of the University Community. The County has made every reasonable effort to fully meet the requirements of all state and federal environmental regulations.

Ms. Miller also attached a number of letters between the University of California, Merced and the US Army Corps of Engineers, as well as a portion of an agreement between UC Merced and the California Department of Fish and Game. These materials address the state and federal permitting process being undertaken by UC Merced, and do not specifically address the UCP EIR. No further response is necessary.

Testimony of Bryant Owens (12/14/04)

Key issues raised in Mr. Owens' testimony and written comments include:

- The US Army Corps of Engineers is not going to consider the UCP as part of the federal permitting process.

- The County is in an ongoing discussion with the USACE regarding the ways in which the UCP is reflected in the federal permitting process. The method of addressing the UCP, ultimately determined by the USACE, does not affect the adequacy or accuracy of the analysis in the UCP EIR.
- Businesses that spin-off from the Campus should have to pay for their impacts.
  - The County anticipates that all future development, within and outside of the UCP area, will pay its fair share related to future impacts.
- The County General Plan and the State Master Plan for Higher Education need to be updated.
  - The adequacy of the County General Plan is already addressed in Master Response 5 in the Final EIR. The need to update the State Master Plan for Higher Education, which provides the basis for determining the roles and responsibilities of the University of California, the California State University, and the California Community Colleges, is not relevant to the environmental impacts of the UCP.

Testimony of Phillip Favier (12/14/04)

Mr. Favier provided testimony representing the Merced County Farm Bureau. Mr. Favier's letter raises the same issues as presented above in Ms. Westmoreland-Pedrozo's testimony. Key issues additional issues raised in his testimony include:

- The site has changed since the original site for the campus was identified 10 years ago.
  - The comment is noted.
- The Board should delay any decision to develop lands south of Cardella Road and should move development into the Bellevue Corridor.
  - The comment is noted.

Testimony of Louis Bandoni (12/14/04)

Mr. Bandoni provided testimony representing the Merced County Farm Bureau. Key issues raised in his testimony include:

- Expressed concern about the reliability of water for agriculture in the future.
  - The comment is noted.
- Asked the County to work with the City and MID to agree on a plan for groundwater resources in the area.
  - The County respects that the City and MID, as recently as 2001, have collaborated in the development of the MWSP. This plan provides a long-term plan for management of the Merced groundwater basin.

Testimony of Les McCabe (12/14/04)

Mr. McCabe provided testimony representing the Merced County Farm Bureau. Key issues raised in his testimony and written comments include:

- Questions the accuracy of the draft Exhibit B (General Plan Consistency Findings of Fact for the Adoption of the County of Merced University Community Plan).
  - The comment is noted.
- The project fails all 10 of the SUDP expansion criteria.
  - The General Plan Consistency Findings of Fact specifically address consistency of the proposed UCP with General Plan goals, objectives and policies, including Land Use Goal 1, Policy 2 regarding SUDP expansion.
- The Regional Water Quality Control Board has questioned the use of grey water on the site.
  - The UCP policies do not call for use of grey water in the University Community. Rather, UCP Integrated Water policies call for the development of treatment facilities to provide tertiary-level treated wastewater for reuse in the University Community, as well as post-secondary treated water through subsurface drip irrigation methods. These methods are not currently designed, and UCP policies require compliance with requirements of the Regional Water Quality Control Board.
- The UCP assumed water demand that is one-third of the demand in the City of Merced.
  - The potable water demand estimates used in the analyses in the EIR were adjusted to account for use of recycled water, as called for in UCP policies.
- The project fails the 10 percent Prime Farmland SUDP criterion.
  - The 10 percent Prime Farmland criterion is a criterion in the General Plan for the establishment of new SUDPs. The proposed UCP action would represent an adjustment to the boundary of an existing SUDP; thus, the 10 percent Prime Farmland criterion does not apply.

#### Letter from Steven Becker

Mr. Becker provided comments representing the Weaver Union School District. Key issues raised in his written comments include:

- The Weaver Union School District supports the UCP with the revised schools implementation language presented at the hearing of December 7, 2004.
  - The comment is noted.

#### Letter from Vicki Bandoni

Key issues raised in Ms. Bandoni's written comments include:

- Advocates of mitigation for the conversion of agricultural land do not represent all agricultural interests.

- The comment is noted.
- Mitigation for the loss of farmland should only be required for the University Community if mitigation is adopted on a countywide basis.
  - The comment is noted.

We hope these responses are helpful to the Board of Supervisors. Staff and consultants will be available to respond to any questions the Board may have to these letters or other comments and correspondence that is submitted.